

### Remarks

Claims 1-22 remain in the application. No claims were amended or canceled herein. Claims 21 and 22 were added herein to further define the shape of the heat seal volume. Support for the claims can be found in claim 20 and on page 3, lines 27-28 of the specification. The drawings were amended, to separately label the enlarged views shown within the original FIG. 2 and 4 as separate figures, FIG. 2A and 4A. Formal drawings were submitted on November 8, 2001 matching the drawings as amended herein. Kindly let the Applicants know if the amended drawings The specification was amended within the Brief Description of the Drawings and elsewhere on pages 3, 4, and 5 to add descriptions of FIG. 2A and 4A. Additionally the specification was amended to delete the "even more" language that the Examiner objected to, and to correct a typo on page 4. The amendments add no new matter.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show the changes made."

### 35 USC 103 Rejections

The Office Action rejected claims 1-20 under 35 USC 103(a) as being unpatentable over Smith ('533) and Itoh ('142) for various reasons which will be addressed in the order they appear in the Office Action. Applicants traverse the rejections and respectfully request reconsideration of the claims.

The Office Action states:

"Regarding claim 1, Smith et al. Discloses a disposable contact lens package 200 comprising a base 12, top surface 160, well 214 for holding a contact lens, a raised seal volume 210 surrounding well 214 and lidstock 30. Smith et al. Also discloses linear side 220 forming an angle greater than or equal to 90 degrees (Col. 2, ln 38-42). Smith et al. Further discloses, in an alternate embodiment, a package 300, raised surface 310, base 312, top surfaces 370 and 371, and well 314. Embodiment 300 is sealed with lidstock (Col. 3, ln 4-9). Raised surface 310 is arcuate in shape to prevent the collection of aqueous fluid on its surface (Col. 3, ln 9-12).

"Smith et al. Does not disclose two linear sides intersecting the horizontal plane at angles having values from 125 to 170 degrees.

"Itoh et al. Discloses a package 1 with a heat-seal lid 6 and seal volume 5 with two linear sides. The angles formed by the linear walls of seal volume 5 are obtuse with respect to the horizontal plane. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the linear sides of Itoh et al. For the arcuate sides of Smith et al. As a geometric equivalent to facilitate the flow of fluid from the upper portion of a seal volume. Further, Smith et al. Teaches the use of an obtuse linear side (Col. 2, ln 38-42).

"As to the angles having values from 125 to 170 degrees, it would have been an obvious matter of design choice to modify Smith et al. with linear sides having values from 125 to 170 degrees since the applicant has not disclosed that having sides at these particular angles solves any stated problem and it appears that the seal volume would perform equally well with side walls at any obtuse angle."

Applicants traverse this rejection. Applicants claim a raised seal volume having two linear sides that intersect the horizontal plane at angles having values from 125 to 170 degrees. The benefit of the linear sides meeting the horizontal plane at the angles specified is that when the lidstock is sealed to the raised area the plastic will melt and flow down the linear angled sides pushing any spilled solution, if present, out of the way as it flows. Alternatively, if the angle is about 90 degrees, then the melted plastic may curl as it melts and trap spilled solution on the

flange, that has a negative impact on the heat seal. This was explained on page 2 of the specification.

Smith does not teach Applicants' invention. The Office Action states: "Smith et al does not disclose two linear sides intersecting the horizontal plane at angles having values from 125 to 170 degrees." That is a limitation in Applicants' claims.

Regarding the combination of Itoh and Smith, Applicants believe that Itoh and Smith are not properly combined, because they are nonanalogous art. A person trying to design a contact lens container would not look to food packaging for ideas. Food containers are much larger than contact lens containers with heat seal volumes that can be many times the area on a contact lens container.

However, even if the references are properly combinable, Itoh adds nothing to Smith to make Applicants' invention obvious. Itoh discloses a raised heat seal volume having a beak-like-shaped area to provide easier peeling to open the container. The focus of Itoh's invention is the area where the peel begins, and the details of the shape of the rest of the heat seal volume are not specified. Itoh shows a cross-section of Itoh's heat seal volume in the Figures. As shown in Itoh's Figures, the heat seal volume does not appear to comprise linear sides. Additionally, even if the heat seal volume had linear sides, the angles alpha and beta that intersect the horizontal plane are less than 110 degrees. (Measurements taken on FIG. 4.) Therefore, neither Smith nor Itoh, alone or in combination, teach or suggest a heat seal volume having two linear sides that intersect the horizontal plane at angles having values from 125 to 170 degrees. Therefore it is respectfully requested that the 103 rejection of the claims 1-20 be withdrawn.

The additional rejections of claims 2-3, 5-7 and 10-17 are traversed for all the reasons stated above, that neither Smith nor Itoh alone or combined teach nor

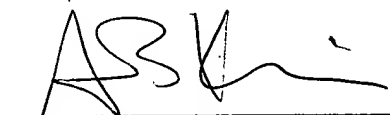
suggest Applicants' invention. As stated earlier, Applicants indicated that the shape of their heat seal volume avoids defects caused by superheated solution trapped within the heat seal, and the preferred dimensions are specified in Applicants' claims 2-3, 5-7 and 10-17.

The rejection of claims 4, 8, and 9 is also traversed. The Office Action states that the Applicant has not disclosed that having the seal volume at this particular distance range solves any stated problem or is for any particular purpose. On page 5, lines 10-13 of the specification Applicants describe the additional benefit of locating the heat seal volume away from the well, which is not taught nor suggested by Smith or Itoh.

Additionally, regarding claims 20-22, Itoh teaches a heat seal having a linear top surface. Itoh describes the top of the heat seal volume as a top face, an inclined face (col. 3, line 50), and as in claim 1, Itoh states that the top face is substantially flat. Itoh; therefore, does not teach or suggest the additional feature of Applicants' invention that at the surface between the linear sides of the heat seal volume is a point, rounded point, or rounded surface as claimed.

Applicants believe claims 1-22 are presently in condition for allowance. The allowance of the claims as a patent is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ASV' followed by a flourish, positioned above a horizontal line.

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## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **In the Drawings**

The attached two sheets of drawings were amended as indicated in red.

### **In the Specification**

Replace the descriptions of the drawings on page 2, line 29 through page 3, line 7, with the following paragraph:

—FIG. 1 is a top perspective view of a contact lens package of this invention shown prior to heat-sealing lidstock onto the package;

FIG. 2 is an enlarged cross-sectional view of the sealing area of the package of FIG. 1[, with an exploded view of the seal volume] taken along the line 2-2 shown in FIG. 1;

FIG. 2A is an exploded view of the seal volume shown in FIG. 2;

FIG. 3 is a top perspective view of an alternative embodiment of a contact lens package of this invention shown prior to heat-sealing lidstock onto the package; [and]

FIG. 4 shows an enlarged cross-sectional view of the sealing area of the package of FIG. 3[; with an exploded view of the seal volume] taken along the line 4-4 shown in FIG. 3[.] ; and

FIG. 4A is an exploded view of the seal volume shown in FIG. 4.

Replace the two paragraphs on page 3, line 25 through page 4, line 22 with the following:

FIG. 2 and FIG. 2A show[s] an enlarged cross-section of a portion of the package 10 of FIG. 1 along the line 2-2, shown in FIG 1. The raised seal volume 20 is shown comprising two linear sides, a first linear side 21, and a second linear side

22, which meet at a point or rounded point 23 which is the uppermost surface of the raised seal volume 20. The first linear side 21 is located closer to the well 14. The second linear side 22 is located further from the well 14. The first linear side 21 meets the well 14 at corner 27 which defines the perimeter 28. The corner may be rounded or sharp as desired. Angle alpha shown at the base of linear side 21 is defined by the intersection of linear side 21 with the horizontal plane P as shown. Typically horizontal plane P is parallel to the opening of the well when the package is resting on a flat surface. Most packages provide supports 29 or other structures for this purpose. Angle alpha is [preferably] typically from 125 to 170 degrees, [more] preferably from 135 to 165 degrees, and [most] more preferably from 145 to 165 degrees, and [even more] most preferably from 155 to 165 degrees. The second linear side 22 meets the top surface of the flange 16 at angle beta. However, if the flange 16 is not in the horizontal plane then angle beta is defined as the angle formed at the intersection of linear side 22 and the horizontal plane P. Angle beta is preferably from 125 to 170 degrees, more preferably from 135 to 165 degrees, and most preferably from 145 to 165 degrees, and even more preferably from 155 to 165. Preferably, the linear sides have respective lengths D, E from 0.10mm to 0.65mm, more preferably from 0.14mm to 0.45mm, and most preferably from 0.18mm to 0.25mm. The preferred overall width A of the raised seal volume 20 is from 1.16mm to 2.30mm, more preferably from 1.22mm to 1.85mm, and most preferably from 1.34mm to 1.56mm. The preferred overall height B of the raised seal volume 20 is from 0.1mm to 0.3mm, more preferably from 0.12mm to 0.24mm, and most preferably from 0.14mm to 0.16mm.

It is preferred that linear sides 21 and 22 and angles alpha and beta are mirror images of each other; however that is not required as long as both linear sides are present as parts of the raised seal volume 20, and as long as the angles are both within the ranges specified. Lengths D and E and angles alpha and beta can vary and be different from one another, depending on the location of raised seal volume 20 in relation to other features and considerations within the package.

Replace the two paragraphs on page 4, line 26 through page 5, line 16 with the following:

FIG. 3, [and] 4, and 4A show an alternative embodiment of the package of this invention. FIG. 3 is a perspective plan view of the package and FIG. 4 and FIG. 4A show[s] an enlarged cross-section of a portion of the package 10 of FIG. 3 along the line 4-4. FIG. 3, [and] 4, and 4A show a package having a raised seal volume 20 that is located a distance C between the perimeter 28 of the well 14 and the surface of the raised seal volume 20 closest to the well 14. Note that C may vary in a package design, because it is not required that the raised seal volume follow the perimeter of the well exactly or even at all. Preferably C is from 0 and 6 mm, more preferably from 1 to 5 mm and most preferably from 2 to 5 mm. Additionally, the raised seal volume 20 as shown in FIG. 3, [and] 4, and 4A has a rounded top surface 43 contiguous with and located between the linear sides 21 and 22. The radius of the rounded surface 43 is preferably from 1.0mm to 10.0mm, more preferably from 1.5mm to 6.0mm, and most preferably from 2.0mm to 5.0mm. Further the width F of the rounded surface 43 is preferably from 0.50mm to 2.0mm, more preferably from 0.50mm to 1.5mm, and most preferably from 0.50mm to 1.0mm. The other features of this embodiment are as described for the earlier embodiment, namely, the angles, lengths of the linear sides, the width of the heat seal, and the height of the seal volume.

FIG 3, [and] 4, and 4A show[s] the preferred embodiment, because the distance C provides a space in which the melted plastic of the raised seal volume may flow and not create a rough surface that would be adjacent to, extend above, or flow into the well that may damage a contact lens as it is removed from the recessed well. However it may be possible in accordance with this invention, if the correct sealing conditions and materials are used, to locate the raised seal volume adjacent to the well by providing a large length D of side 21.



**In the Claim**

New claims 21 and 22 were added as follows:

–21. The contact lens package of claim 1, further comprising a rounded surface between said linear sides wherein said radius of said rounded surface is from 1.5 to 6mm.

22. The contact lens package of claim 1, wherein said linear sides meet in a point or a rounded point.--

FIG. 3

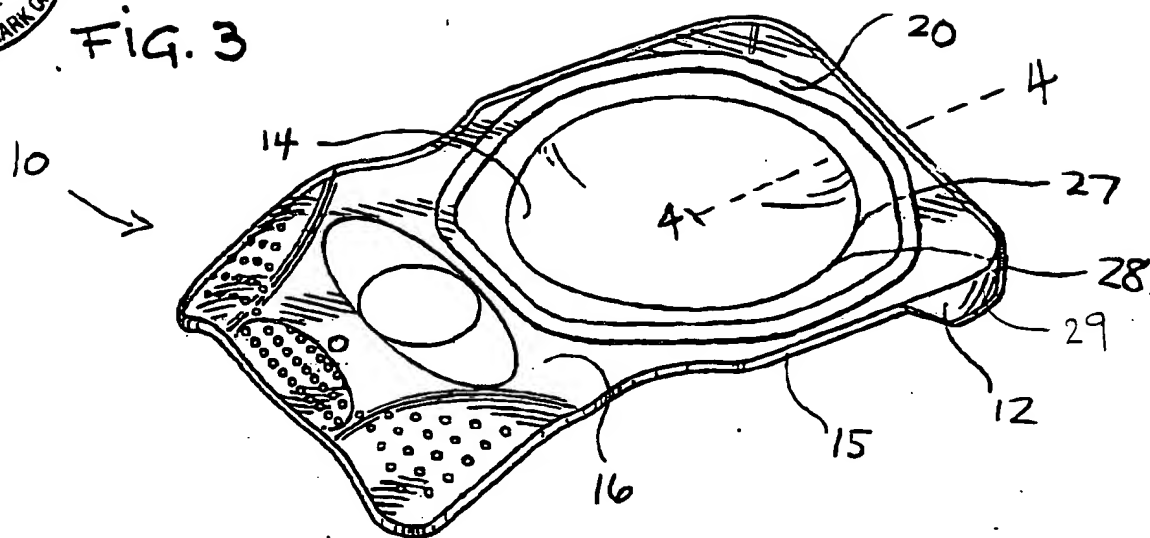


FIG. 4

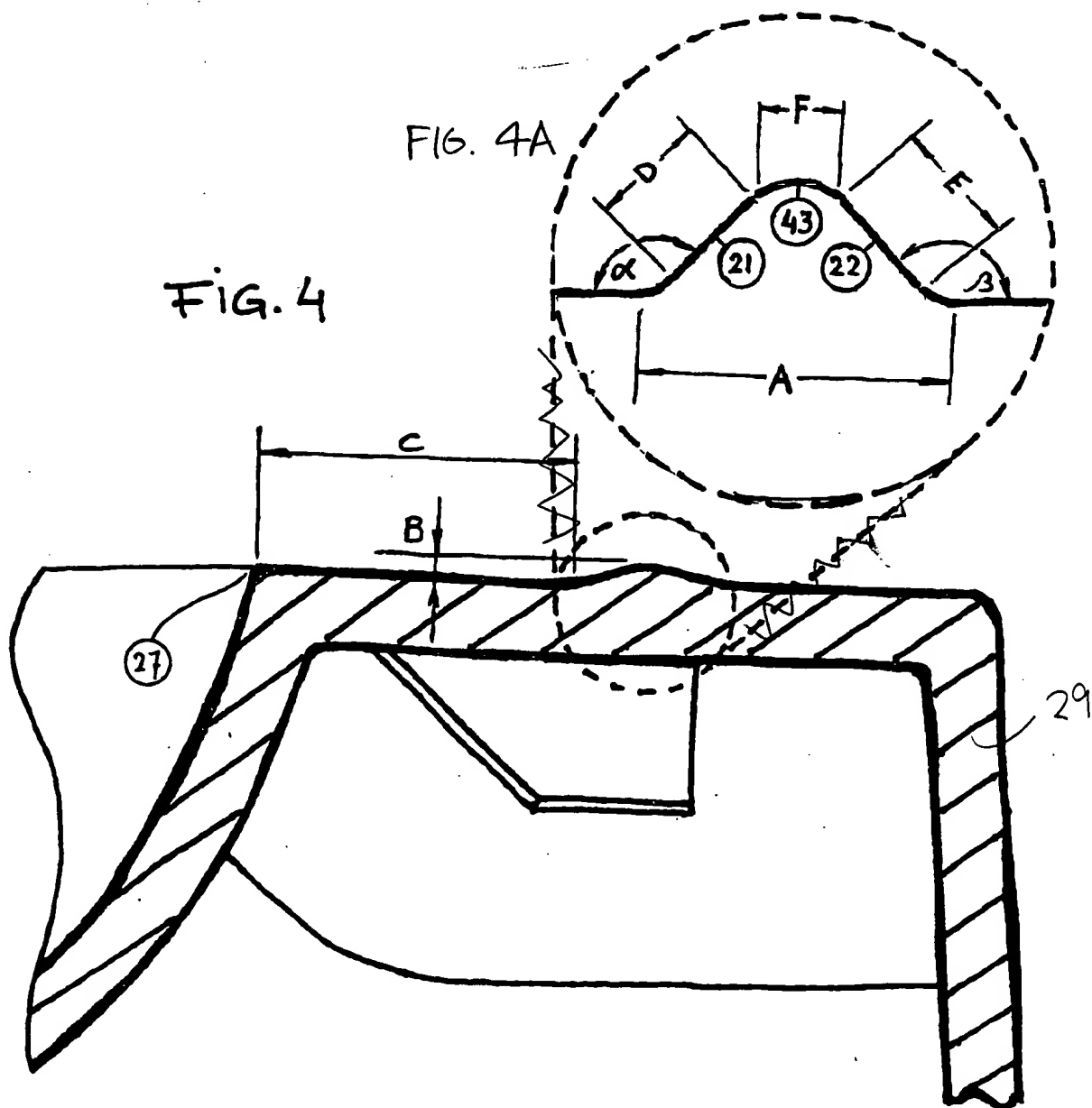


FIG. 1

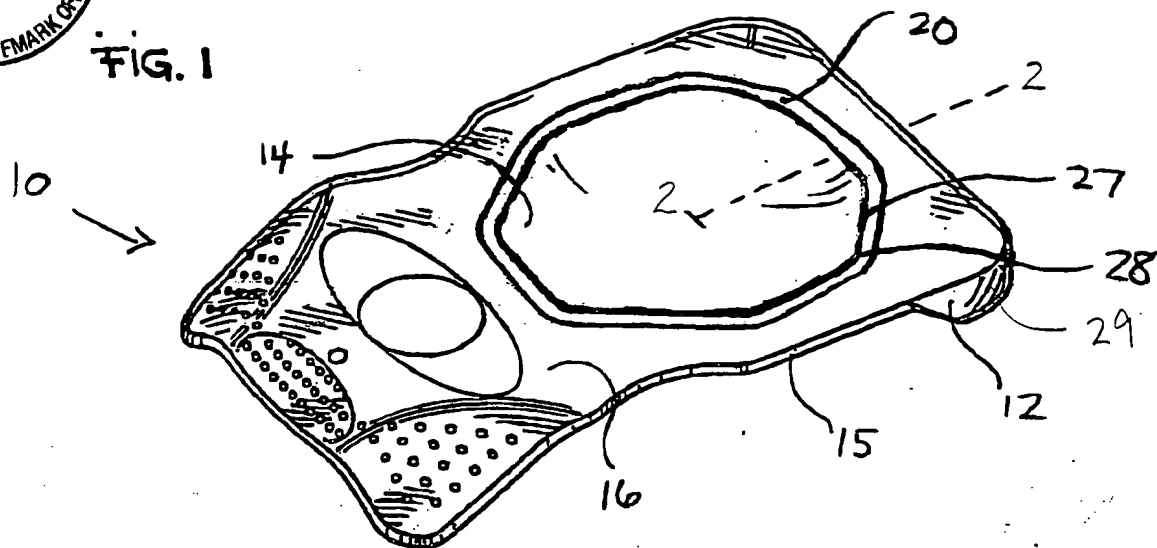


FIG. 2A

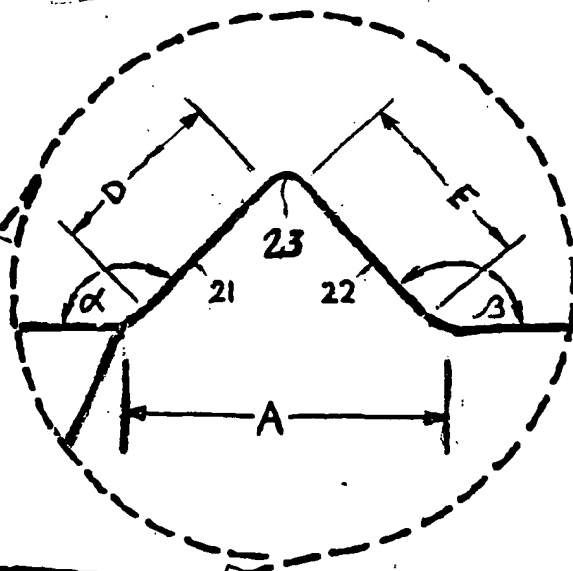


FIG. 2

